

REMARKS

Claims 1-35 are pending, with claims 1-26 previously elected as directed to the elected invention. Of these claims, all stand rejected on prior art grounds. Claims 1-6, 8-16, 21 and 23 stand rejected under 35 U.S.C. §102(a) as anticipated by *Leopold* (U.S. Publication No. 2002/0173839; claims 7 and 17 stand rejected under 35 U.S.C. §103(a) as obvious over a suggested combination of *Leopold* and *Smith* (U.S. Publication No. 2002/0156525); claims 18-20, 22, 23, and 25 stand rejected under 35 U.S.C. §103(a) as obvious over a suggested combination of *Leopold* and *Pacetti* (U.S. Publication No. 2002/0188345); and claims 24 and 26 stand rejected under 35 U.S.C. §103(a) as obvious over a suggested combination of *Leopold* and *Da Silva* (U.S. Patent No. 6,729,336).

Applicant respectfully traverses these rejections, for at least the reasons outlined below.

Each of the claims is rejected either singularly or in a suggested combination based on *Leopold*. Given that applicant respectfully believes the examiner is misapplying the *Leopold* reference, applicant's comments are primarily focused to that reference.

Claim 1 recites:

A planar structure expandable into a 3-D structure, the planar structure comprising:

first and second spaced side beams which extend along a longitudinal axis; and

a plurality of spaced cross-bands which connect the side beams together wherein a first set of the cross-bands are expandable in a first direction substantially perpendicular to the longitudinal axis to form a 3-D structure.

The office action cites to *Leopold* as teaching the recited subject matter, in particular to figures 1 and 3 as teaching a planar structure, side beams, and cross-bands in the form of the connecting segments 13. Applicant respectfully disagrees and points out that the connecting segments 13 do not expand "in a first direction substantially perpendicular to the longitudinal axis to form a 3-D structure," as recited in claim 1. Figures 3 and 1 show the *Leopold* stent in a predeployed, flattened state and in a deployed state, respectively; and it is apparent from both illustrations that the connecting segments (13) are merely there to keep the two halves of the stent connected together and do not expand nor do themselves form a 3-D structure. The

segments 13 span a gap between the longitudinal sections 14, but at no place does *Leopold* describe that the connecting segments are “expandable in a first direction substantially perpendicular to the longitudinal axis,” to affect deployment of the stent. In fact, the gap spacing distance shown in figure 1 of *Leopold* would appear to be the exact same as that shown in figure 3, suggesting that expansion is not used to erect sections 12. To the contrary, *Leopold* states that the purpose of the segments 13 is to keep the longitudinal sections “fixed relative to each other” to “thereby provide increased stability.” [0053]

As to the examiner’s citation of paragraph [0067], the language in this section refers to resilient wires of figures 10-12 and not to the connecting segments 13 of figures 1 and 3. These wires are directly connected to one another and not with inherent spacing gaps as shown in the other embodiment of figures 1 and 3. Whether these wires have a resiliency that allows for a transition from predeployment to deployment has no bearing on the operation of the connection segments in figures 1 and 3, cited by the examiner as teaching the claimed subject matter. The paragraph is a non-starter.

The deficiencies of *Leopold* are highlighted by other claims as well. The examiner, for example, has not noted how it is believed that the arcuate sections 12 are expandable, much less how it is believed these sections would expand in a direction “opposite” to that of the segments 13. Neither contention would appear to be the case from the figures of *Leopold*. Sections 12 can be bent to go from a flat to a deployed position, but there is no suggestion that these sections are “expandable,” as recited in claim 2. Claim 3 calls for adjacent cross-bands that are expandable in opposite directions, which also does not appear to be taught in *Leopold* either.

Comparing *Leopold* to various examples of the present application, the deficiencies of *Leopold* become apparent. Whereas the connecting segments are simply bands between two halves of a stent, FIGS. 3 and 4 of the present application (by way of example) show cross-bands that expand from a planar dimension into a 3-D structure due to their involute shape. The connection segments 13 of *Leopold* of course are always planar and do not themselves form a 3-D structure.

In any event, applicant traverses the rejection of claim 1 as anticipated by *Leopold*. Furthermore, looking to the other cited art, none of these would appear to teach the recited subject matter either, including a first set of cross-bands that “are expandable in a first direction

substantially perpendicular to the longitudinal axis to form a 3-D structure.” Thus, the rejection of claim 1 and claims 2-26 depending therefrom are respectfully traversed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: September 12, 2007

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